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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,359	09/27/2001	Paul Kenneth Whittingham	13347US01	6427

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McANDREWS, HELD & MALLOY, LTD
34th Floor
500 W. Madison Street
Chicago, IL 60661

EXAMINER

RONES, CHARLES

ART UNIT PAPER NUMBER

2175

DATE MAILED: 07/02/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/965,359

Applicant(s)WHITTINGHAM ET AL. **Examiner**

Charles L. Rones

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2175

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-61 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-58 is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-13 and 59-61 are rejected under 35 U.S.C. 102(e) as being anticipated by VanDeAvond et al. U.S. Patent Publication No. 2003/0004946 ('VanDeAvond').

VanDeAvond discloses:

As to claim 1,

receiving via the internet one or more orders for labels, the orders identifying variable data to be printed on the labels; See [0034]; [0038]; [0077];

storing the received orders in the central database; See [0010]; [0036];

receiving a request via the internet to process one or more orders for production;

See [0024-0025];

storing a plurality of printing templates for a plurality of customers; See [0032];
[0037];

merging printing data identified in the one or more orders to be processed and a template selected from the plurality of stored templates to generate image data for the labels to be printed for the one or more processed orders; See [0037-0043]; and

storing in the central database the generated image data for communication via the internet to a remote location for label production; See [0010]; [0036].

As to claim 2,

wherein the one or more orders can be received from one or more locations and the request to process the orders can be received from a different location; See [0024-0025]; [0043].

As to claim 3,

wherein the one or more orders can be received from a location and the request to process the orders can be received from the same location; See [0024-0025]; [0043].

As to claim 4,

wherein a plurality of orders can be received from different locations and processed together as one print job; See [0024-0025]; [0043]; [0048].

As to claim 5,

wherein the request to process the one or more orders is associated with an identity of one of a plurality of production methods, each production method requiring

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image data in a corresponding data file type and wherein the image data is generated in a data file type selected from a plurality of different data file types and corresponding to the identified production method; See [0037]; [0045]; [0068].

As to claim 6,

wherein the identity of the production method is represented by an identified machine type;

As to claim 7,

wherein at least one of the stored templates defines a layout of information to be printed on a label; See [0032]; [0037].

As to claim 8,

wherein at least one of the stored templates defines a layout for one or more plates to be used in printing labels, each plate simultaneously printing a plurality of labels; See [0024-0025]; [0043]; [0048].

As to claim 9,

wherein the stored templates for a plate layout includes at least two labels with different variable data to be printed thereon; See [0032]; [0037].

As to claim 10,

wherein the plate layout includes a layout of information to be printed on each of the plurality of labels defined by the plate; See [0024-0025]; [0043]; [0048].

As to claim 11,

A method of producing labels as recited in claim 8 including determining the minimal number of plates that can be used to produce the labels and the layout of each plate; calculating an estimated production cost associated with the determined minimal number of plates; increasing the number of plates and recalculating the estimated production costs to determine if the increased number of plates has a lower estimated production cost than the estimated production cost associated with the minimal number of plates.

As to claim 12,

wherein the image data includes font information required to produce the labels; See [0010]; [0036].

As to claim 13,

wherein the image data includes graphic information required to produce the labels; See [0010]; [0036].

As to claim 59,

storing a plurality of tables for each of a plurality of customer groups, each table defining a plurality of web pages, different web pages being associated with different label types available for ordering; See [0005]; [0034]; [0038]; [0043]; [0075-0077].

receiving inputs via the internet from a user, the inputs defining a new label type to be added to the system and available for ordering; See [0028]; [0045]; [0051];

automatically updating said tables to define a new web page associated with the new label type; and generating a web page to allow labels of the new label type to be ordered; See [0029]; [0034].

As to claim 60,

wherein the inputs defining a new label type including variable data entry fields and validation rules associated with the variable data entry fields; See [0044-0045]; [0058-0060].

As to claim 61,

wherein the customer groups are store groups; See [0005]; [0043]; [0075-0077].

Allowable Subject Matter

Claims 15-58 are allowed.

Claim 14 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As to claim 14, the following is an Examiner's statement of reasons for the indication of allowable subject matter: The prior art of record does not disclose, make obvious, or otherwise suggest the structure of the applicant's method wherein the image data for the processed orders stored in the central database is associated with one of a plurality of different types of label production machines and further including receiving a request via the internet to change the production machine for the labels; and reprocessing the orders in accordance with a different printing template associated with the changed production machine together with the other limitations of the independent claims.

As to claims 15-32, the following is an Examiner's statement of reasons for the indication of allowable subject matter: The prior art of record does not disclose, make obvious, or otherwise suggest the structure of the applicant's method of producing labels storing a plurality of printing templates for a plurality of label types and a plurality of machine types used in the production of the labels; selecting a stored template in

accordance with the type of labels to be produced and the type of machine to be used in the production of the labels; merging the variable data to be printed on the labels and a selected printing templates to generate image data for the labels in a production data file to be used in the production of the labels; storing the production data file in the central database together with the other limitations of the independent claims. The dependent claims being further limiting and definite are also allowable.

As to claims 33-50, the following is an Examiner's statement of reasons for the indication of allowable subject matter: The prior art of record does not disclose, make obvious, or otherwise suggest the structure of the applicant's method of generating job data for a plurality of orders to be processed together, the job data including information representing a type of label to be produced for the job, a type of machine to be used in the production of the labels for the job, and the variable data to be printed on labels to be produced for the job; storing a plurality of printing templates for a plurality of label types and a plurality of machine types used in the production of the labels; selecting a stored template in accordance with the type of labels to be produced; and merging the variable data to be printed on the labels and a selected printing template to generate image data for the labels in a production data file to be used in the production of the labels, the type of production data file generated corresponding to the type of machine to be used in the production of the labels; storing the production data file; and sending the stored production data file to a remote location via the internet together with the other limitations of the independent claims. The dependent claims being further limiting and definite are also allowable.

As to claims 51-58, the following is an Examiner's statement of reasons for the indication of allowable subject matter: The prior art of record does not disclose, make obvious, or otherwise suggest the structure of the applicant's system for having a database; and at least one server receiving orders for labels via the internet, the orders identifying variable data to be printed on the labels and storing the orders in the database, at least one server being responsive to a user's input to process a plurality of orders together to form a printing job to be produced on an identified machine type and automatically generating a production data file for the labels to be produced for the job, the at least one server thereafter storing the production data file in the database, and sending a stored production data file to a remote location via the internet together with the other limitations of the independent claims. The dependent claims being further limiting and definite are also allowable.

The closest prior art of record being VanDeAvond et al. U.S. Patent Publication No. 2003/0004946.

Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably **accompany** the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles L. Rones whose telephone number is 703-306-3030. The examiner can normally be reached on Monday-Thursday 8am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on 703-305-3830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Charles L. Rones
Primary Examiner
Art Unit 2175

June 22, 2004